



January 23, 2004

## SENATE BILL No. 308

DIGEST OF SB 308 (Updated January 20, 2004 6:38 pm - DI 75)

**Citations Affected:** IC 6-1.1.

**Synopsis:** Economic development target areas. Authorizes a city, town, or county to waive noncompliance with certain procedures that are otherwise required before the establishment of an economic development target area and the granting of tax abatements within that area. Provides that a waiver of an economic development commission's failure to take action with respect to a recommendation concerning designation of an economic development target area is subject to the approval of the economic development commission.

**Effective:** Upon passage.

**Meeks R**

January 12, 2004, read first time and referred to Committee on Economic Development and Technology.  
January 22, 2004, amended, reported favorably — Do Pass.

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SB 308—LS 6800/DI 44+



January 23, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 308

A BILL FOR AN ACT to amend the Indiana Code concerning  
taxation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 6-1.1-12.1-11.3, AS AMENDED BY P.L.245-2003,  
2       SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       UPON PASSAGE]: Sec. 11.3. (a) This section applies only to the  
4       following requirements:

5               (1) Failure to provide the completed statement of benefits form to  
6               the designating body before the hearing required by section 2.5(c)  
7               of this chapter.

8               (2) Failure to submit the completed statement of benefits form to  
9               the designating body before the initiation of the redevelopment or  
10              rehabilitation or the installation of new manufacturing equipment  
11              or new research and development equipment, or both, for which  
12              the person desires to claim a deduction under this chapter.

13              (3) **Failure of an economic development commission to take**  
14              **action with respect to a recommendation concerning an**  
15              **ordinance designating an economic development target area**  
16              **under section 7 of this chapter.**

17              (4) Failure to designate an area as an economic revitalization area

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1 **or an economic development target area** before the initiation of  
 2 the:

3 (A) redevelopment;

4 (B) installation of new manufacturing equipment or new  
 5 research and development equipment, or both; or

6 (C) rehabilitation;

7 for which the person desires to claim a deduction under this  
 8 chapter.

9 ~~(4)~~ **(5)** Failure to make the required findings of fact before:

10 (A) designating an area as an economic revitalization area or  
 11 **economic development target area; or**

12 (B) authorizing a deduction for new manufacturing equipment  
 13 or new research and development equipment, or both;

14 under section 2, 3, ~~or~~ 4.5, **or 7** of this chapter.

15 ~~(5)~~ **(6)** Failure to file a:

16 (A) timely; or

17 (B) complete;

18 deduction application under section 5 or 5.4 of this chapter.

19 (b) This section does not grant a designating body the authority to  
 20 exempt a person from filing a statement of benefits or exempt a  
 21 designating body from making findings of fact.

22 (c) **Subject to subsection (d)**, a designating body may by resolution  
 23 waive noncompliance described under subsection (a) under the terms  
 24 and conditions specified in the resolution. Before adopting a waiver  
 25 under this subsection, the designating body shall conduct a public  
 26 hearing on the waiver.

27 **(d) A waiver of noncompliance described in subsection (a)(3) is**  
 28 **subject to the approval of the economic development commission.**

29 **SECTION 2. An emergency is declared for this act.**

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## COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill No. 308, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 13, delete "Failure of an economic development commission to make" and insert **"Failure of an economic development commission to take action with respect to a recommendation concerning an ordinance designating an economic development target area under section 7 of this chapter."**

Page 1, delete lines 14 through 16.

Page 2, line 22, delete "A" and insert **"Subject to subsection (d), a"**.

Page 2, between lines 25 and 26, begin a new paragraph and insert:

**"(d) A waiver of noncompliance described in subsection (a)(3) is subject to the approval of the economic development commission."**

and when so amended that said bill do pass.

(Reference is to SB 308 as introduced.)

FORD, Chairperson

Committee Vote: Yeas 10, Nays 0.

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